

REMARKS

Claims 1, 3-14, 16, 17, 19, 20, 22-33, 35, 36, 38, 39, 41-52, 54, 55, and 57-66 are pending with claims 1, 20, and 39 being independent. Claims 8, 10, 13, 14, 27, 29, 32, 33, 46, 48, 51 and 52 are canceled by this amendment without waiver or prejudice. New claims 58-66 are added.

Claims 1, 3-14, 16, 17, 19, 20, 22-33, 35, 36, 38, 39, 41-52, 54, 55, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox (U.S. 6,738,814) in view of Eichstaedt et al. (U.S. 6,662,230) and in further view of Maher, III et al. (U. S. 6,654,373). Applicants have amended independent claims 1, 20, and 39 to obviate this rejection.

As amended, claim 1 recites a method for securing an accessible computer system that includes, among other features, monitoring at least the payload portion of the data packets directed from at least one of the access providers to at least one of the access requestors by scanning the payload portion for at least one predetermined pattern and counting a number of data packets having payload portions that include the predetermined pattern.

Applicants respectfully request reconsideration and withdrawal of the rejection because Cox, Eichstaedt and Maher, either alone or combined as proposed, fail to disclose or suggest monitoring at least the payload portion of the data packets received from at least one of the access providers to at least one of the access requestors, as recited in independent claim 1.

Specifically, "Cox discloses analyzing incoming packets against known patterns and denying access by the access requestor to the access provider when there is a match of the known pattern". See *Office action, page 3, paragraph 3*. More specifically, Cox identifies attacks by looking at the source addresses in data packets that are directed from the access requestor to an access provider and by looking for unacknowledged data packets received from the access requestors. Cox does not examine outgoing data packets from the access providers when performing his analysis. Moreover, Cox does not describe or suggest monitoring at least the payload portion of the data packets directed from at least one of the access providers to at least one of the access requestors as recited in amended independent claim 1.

Eichstaedt does not remedy the failure of Cox to describe or suggest these features. Instead, Eichstaedt describes "methods for monitoring client requests and denying access to

clients whose requests significantly reduce server performance, or who are attempting to obtain excessively large portions of server resources.” See *Eichstaedt*, col. 1, lines 10-13. Eichstaedt focuses solely on the client requests and has no regard of server responses. Therefore, like Cox, Eichstaedt fails to describe or suggest monitoring at least the payload portion of the data packets directed from at least one of the access providers to at least one of the access requestors, as recited in amended independent claim 1.

Furthermore, Maher merely describes a packet analyzer that scans the contents of each data packet. Combining Maher with Cox and/or Eichstaedt in the manner proposed does not help to remedy the failure of both Eichstaedt and Cox to describe or suggest these features recited by claim 1 as mentioned above.

Like amended independent claim 1, each of the amended independent claims 20 and 39 recites monitor at least the payload portion of the data packets received from at least one of the access providers to at least one of the access requestors.

For at least these reasons, applicants respectfully request withdrawal of the § 103(a) rejections of amended independent claims 1, 20, and 39, and their respective dependent claims 3-7, 9, 11-12, 15, 16-17, 19, 22, 23-26, 28, 30-31, 35-36, 38, 41-45, 47, 49-50, 54-55, and 57.

Applicant also submit that the amendments in claim 1, 20 and 39 respectively with the following cited changes “receiving more than one data packet, ~~[[that]]~~ each data packet including ~~includes~~ a payload portion and an attribute portion and being ~~[[are]]~~ communicated between at least one access requestor and at least one access provider;” are not intended to narrow or change the scope of the claim. They are instead intended to address formal issues, and should be identified as such.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated June 15, 2005, be extended for one month to and including October 15, 2005.

Applicant notes that October 15, 2005 fell on a Saturday.

Applicant : Brian Jacoby et al.
Serial No. : 09/894,918
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Page : 13 of 13

Attorney's Docket No.: 06975-203001 / Security 14

Please apply the \$120 Extension of Time fee, and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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